

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

FRANCOISE)	CV. NO. 11-00359 LEK-BMK
VIGNERON-MOULIN,)	
)	FINDINGS AND
Plaintiff,)	RECOMMENDATION TO
)	DISMISS THIS ACTION
vs.)	
)	
THE QUEEN’S MEDICAL)	
CENTER, et al.,)	
)	
Defendants.)	
_____)	

FINDINGS AND RECOMMENDATION TO
DISMISS THIS ACTION

Plaintiff Francoise Vigneron-Moulin filed this action on June 6, 2011. A Rule 16 Scheduling Conference was set for September 7, 2011, but Plaintiff did not appear and did not file a Scheduling Conference Statement. On September 9, 2011, the Court issued an Order to Show Cause, asking Plaintiff to “show good cause, if any, why sanctions, including dismissal of this case, should not be imposed” for Plaintiff’s failure to appear at the Rule 16 Scheduling Conference or file a Scheduling Conference Statement. (Doc. # 8 at 2-3.) The Order to Show Cause also stated that “if service is not made by October 4, 2011, Plaintiff shall show good cause why sanctions should not be imposed for failure to serve

Defendants.” (Id. at 3.) The Court scheduled a Show Cause Hearing on October 19, 2011 at 9:30 a.m.

On October 19, 2011, Plaintiff did not appear at the Show Cause Hearing or offer any explanation as to her nonappearance. The Plaintiff also has not served any of the Defendants or offered any explanation for her failure to serve the Defendants. See Fed. R. Civ. P. 4(m) (“If a defendant is not served within 120 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time.”). Therefore, this Court FINDS and RECOMMENDS that the case be DISMISSED.

IT IS SO FOUND AND RECOMMENDED.



/s/ Barry M. Kurren
United States Magistrate Judge
Dated: October 25, 2011

FRANCOISE VIGNERON-MOULIN V. THE QUEEN’S MEDICAL CENTER, ET AL.; CV. NO. 11-00359 LEK-BMK; FINDINGS AND RECOMMENDATION TO DISMISS THIS ACTION.